

THE CENTER FOR PUBLIC INTEGRITY  
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Washington, DC 20006  
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# Fax

To: FOIA Officer, EPA	From: Chris Hamby, The Center for Public Integrity
Fax: (202) 566-1684	Pages: 3 + cover
Phone: (202) 566-1667	Date: 7/23/13
Re: FOIA Request	CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

This request needs to be directed to  
Justina Fugh, senior counsel for ethics in  
the Office of General Counsel.

# THE CENTER FOR PUBLIC INTEGRITY

910 17<sup>th</sup> Street N.W., 7<sup>th</sup> Floor  
Washington, DC 20006-2606  
July 23, 2013

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
(202) 566-1667

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

The Center for Public Integrity hereby requests that you provide us copies of the records identified and described below – or of records containing the information identified and described below:

**All approvals or denials of outside activity as a consultant, expert or expert witness in a federal black lung benefits case for Dr. Andrew J. Ghio, an EPA employee located at Research Triangle Park, N.C. If there are no such files at EPA headquarters, please include, for purposes of this request, a search for any approvals or denials made at another level.**

**NOTE: This request needs to be directed to Justina Fugh, senior counsel for ethics in the Office of General Counsel.**

Format: we prefer to receive records in the following formats, listed in order of preference:

- (1) an electronic data format such as a spreadsheet, delimited data set, database file, or similar;
- (2) other non-proprietary electronic format;
- (3) word processing file, text-based PDF, or similar;
- (4) paper copies.

Please also provide any and all documentation related to such electronic records, including but not limited to data dictionaries, database documentation, record layouts, code sheets, data entry instructions, and similar printed or electronic documentation materials.

Please respond within 20 working days, as the Act provides, or notify me if "unusual" or "exceptional" circumstances apply (as the Act uses those terms).



If you decide to withhold an exempt portion of any record, please release all other segregable parts. If you withhold any record or portion of a record, please specify which statutory exemptions are claimed for each withholding. Please separately state your reasons for not invoking your discretion, as the Act allows, to release the requested information. Please describe each record withheld, including its date and size (e.g., amount of electronic memory or number of paper pages).

If there are any search, review, or duplication fees greater than \$25, inform me before you fill the request. But first please consider the Center's requests for fee reduction and fee waiver:

#### **Request for fee reduction as a representative of the news media**

The Center for Public Integrity is a 501(c)(3) tax-exempt charity and a news media organization, and therefore this request should be exempt from all fees for search and review. The Center issues dozens of original investigative news reports each year on its website, [www.publicintegrity.org](http://www.publicintegrity.org). In addition, some of the Center's news reporting has been published in book form, including the *New York Times* bestseller *The Buying of the President 2004*.

This request is being made in connection with the Center's newsgathering functions and not for any other commercial purpose. The Center intends to produce one or more original investigative reports based on analysis of the requested information.

Our reporters covering Congress and congressional committees are credentialed by the Standing Committee of Correspondents of the Congressional Daily Press Gallery. In response to previous FOIA requests, federal agencies including the Department of State, the Central Intelligence Agency, the Environmental Protection Agency, and the Department of Defense, among others, have exempted the Center from search and review fees as a representative of the news media. The only federal court to consider the issue has also held that the Center "is entitled to treatment as a representative of the news media for purposes of FOIA." Center for Public Integrity v. HHS, No. 06-1818 (D.D.C. Aug. 3, 2007).

#### **Request for fee waiver**

In addition, the Center requests a waiver of all duplication fees for this request as permitted under the Act. Disclosure of the requested information to the Center is likely to contribute significantly to public understanding of the operations or activities of the government by illuminating the ethics disclosure practices of the EPA.

The Center for Public Integrity is a nonprofit, nonpartisan, tax-exempt organization that since 1990 has conducted investigative research and reporting on public policy issues in the United States and around the world. The International Consortium of Investigative Journalists was created in 1997 as a project of the Center for Public Integrity. For more information on the Center for Public Integrity and ICIJ please refer to [www.publicintegrity.org](http://www.publicintegrity.org) and [www.icij.org](http://www.icij.org).



In reference to our request I am providing the following information addressing the six factors listed in the Department of Justice's FOIA Guide (March 2007): Fees and Fee Waivers, as found online at [www.usdoj.gov/oip/foia\\_guide07/fees\\_feewaivers.pdf](http://www.usdoj.gov/oip/foia_guide07/fees_feewaivers.pdf).

1) The subject matter of the requested records concerns the "operations or activities of the government," specifically of the EPA.

2) Release of the requested information "is likely to contribute" to the understanding of your agency by the public. Our research will be advanced by the release of the requested information. Prior to any action on this FOIA request, this information is not freely available to the public.

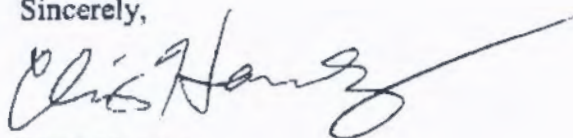
3) and 4) Due to the nature of our organization, the disclosure under our FOIA request will "contribute to the understanding of the public at large" and "contribute 'significantly' to public understanding of government operations or activities." Using the information produced through this FOIA request and other sources, we intend to produce one or more original investigative reports that explain the actions and operations of government to the general public. Our reports will be posted on our website, [www.iwatchnews.org](http://www.iwatchnews.org), and will be read by tens of thousands of people worldwide.

5) and 6) The disclosures we request under the Freedom of Information Act primarily serve the public interest and not any commercial interest. As stated above, the Center for Public Integrity is a 501(c)(3) tax-exempt nonprofit organization, and the requested information will be used only in connection with the Center's newsgathering functions.

Please feel free to contact me about any aspect of this request. In principle, the Center is willing to consider ways in which the request might reasonably be narrowed.

Thank you for your attention to this request.

Sincerely,



Chris Hamby  
Center for Public Integrity  
910 17<sup>th</sup> Street N.W., 7<sup>th</sup> Floor  
Washington, DC 20006-2606  
(202) 481-1231  
[chamby@publicintegrity.org](mailto:chamby@publicintegrity.org)